

CLOSED,CUSTODY

**U.S. District Court
Eastern District of Oklahoma (Muskogee)
CRIMINAL DOCKET FOR CASE #: 6:22-mj-00089-KEW-1**

Case title: USA v. Hernandez

Date Filed: 03/24/2022

Date Terminated: 03/24/2022

Assigned to: Magistrate Judge
Kimberly E. West

Defendant (1)

Jose Luis Hernandez

TERMINATED: 03/24/2022

also known as

Cuate

represented by **Thomas M. Wright**
Wright Stout & Wilburn
PO Box 707
Muskogee, OK 74402
918-682-0091
Fax: 918-683-6340
Email: tom@wswlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level

(Terminated)

None

Complaints

21:846 – Conspiracy to Possess
with the Intent to Distribute and
Distribution of Methamphetamine,
Cocaine, Heroin and Marijuana

Disposition

Plaintiff

USA

represented by **Clay A. Compton**
 US Attorney (OKED)
 520 Denison Ave
 Muskogee, OK 74401
 918-684-5167
 Fax: 918-684-5150
 Email: clay.compton@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Date Filed	#	Page	Docket Text
03/24/2022			ARREST on Charges Pending in Eastern District of Texas (Rule 5) as to Jose Luis Hernandez. (rak, Deputy Clerk) (Entered: 03/24/2022)
03/24/2022	<u>1</u>		RULE 5 PAPERS from Eastern District of Texas as to Jose Luis Hernandez. (rak, Deputy Clerk) (Main Document 1 replaced on 3/24/2022) (rak, Deputy Clerk). (Entered: 03/24/2022)
03/24/2022	2		MINUTE ORDER by Magistrate Judge Kimberly E. West setting Video Conference Initial Appearance – Rule 5 Hearing for 3/28/2022 at 1:30 PM in Courtroom 3 before Magistrate Judge Kimberly E. West as to Jose Luis Hernandez. (rak, Deputy Clerk) (Entered: 03/24/2022)
03/28/2022	<u>3</u>		Notice of Consent to Proceed Via Video Teleconference as to Jose Luis Hernandez. (rak, Deputy Clerk) (Entered: 03/29/2022)
03/28/2022	<u>4</u>		MINUTES of Proceedings held before Magistrate Judge Kimberly E. West: Initial Appearance in Rule 5 Proceedings held on 3/28/2022 as to Jose Luis Hernandez. Defendant remanded to custody of USMS. (rak, Deputy Clerk) (Main Document 4 replaced on 3/29/2022) (rak, Deputy Clerk). (Entered: 03/29/2022)
03/28/2022	5		ORAL MOTION for Appointment of Counsel by Jose Luis Hernandez. (rak, Deputy Clerk) (Entered: 03/29/2022)
03/28/2022	<u>6</u>		ORDER APPOINTING COUNSEL by Magistrate Judge Kimberly E. West granting (5) Oral Motion for Appointment of Counsel as to Jose Luis Hernandez. (rak, Deputy Clerk) (Entered: 03/29/2022)
03/28/2022	<u>7</u>		CJA 23 Financial Affidavit by Jose Luis Hernandez. (rak, Deputy Clerk) (Entered: 03/29/2022)
03/28/2022	<u>8</u>		COMMITMENT to Another District (Rule5) by Magistrate Judge Kimberly E. West as to Jose Luis Hernandez. (rak, Deputy Clerk) (Entered: 03/29/2022)

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

United States of America

v.

JOSE LUIS HERNANDEZ (36)
a.k.a. "Cuate"

EDOK Case No. 22-MJ-89-KEW

Case No. 4:20-cr-00179-SDJ-KPJ

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) JOSE LUIS HERNANDEZ,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☒ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

21 U.S.C. § 846 - Conspiracy to Possess with the Intent to Distribute and Distribution of Methamphetamine, Cocaine,
Heroin and Marijuana

Date: 09/01/2021

City and state: Sherman, Texas



David A. O'Toole

Issuing officer's signature

David A. O'Toole, Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SEP 01 2021

UNITED STATES OF AMERICA	§	BY
	§	SEALED DEPUTY _____
v.	§	
	§	No. 4:20-CR-179
ISMAEL ENRIQUE FERNANDEZ-	§	Judge Jordan
VASQUEZ (1)	§	
a.k.a. "El Primo" "Primo" "Kike" "Kique"	§	
"Licenciado" "Lic"	§	
YVETTE TOMASITA MONTEMAYOR (2)	§	
a.k.a. "La Guera" "La Wera" "La Prima"	§	
SALVADOR RODRIGUEZ MORENO (3)	§	
a.k.a. "Salvador Moreno Rodriguez"	§	
"Chava" "Negro"	§	
CYNTHIA EL VIRA ARANDA (4)	§	
YANIRA YVETTE GONZALEZ (5)	§	
MARIA DE LOURDES FERNANDEZ-	§	
VASQUEZ (6)	§	
HOMERO VIDAURRI VARGAS (7)	§	
a.k.a. "Hummer"	§	
SAUL HUERTA-HERNANDEZ (8)	§	
JONATHAN SOTELO (9)	§	
MICHELLE VEGA (10)	§	
ISRAEL DAVID FERNANDEZ	§	
VASQUEZ (11)	§	
a.k.a. "Primo" "Guero"	§	
RAFAEL NAVA (12)	§	
LUIS FERNANDO ESPINOZA (13)	§	
a.k.a. "Pikachu"	§	
JORGE LUIS CRUZ (14)	§	
CARLOS LOPEZ, JR. (15)	§	
a.k.a. "Guero" "Laredo" "Gordo"	§	
JOSHUA CHADWICK GARAY (16)	§	
a.k.a. "Red" "Fenway"	§	
HECTOR ALONZO (17)	§	
JOSE PLATA (18)	§	
GIOVANNA TELLEZ (19)	§	
a.k.a. "Giovanna Cruz"	§	
KEVIN ALEXIS ALVAREZ (20)	§	
MARK ANTHONY LOPEZ (21)	§	

JOAQUIN JOEL MONTEMAYOR (22)	§
SERGIO LUIS TEJEDA NUNEZ (23)	§
a.k.a. "Checo" "Cheko"	§
SERGIO LEAL (24)	§
a.k.a. "El Bull" "Bull"	§
JOSE HUMBERTO CASTRO TREJO (25)	§
a.k.a. "Francisco Castro Trejo" "Paco:	§
"Pacoroo"	§
JOSE PORRAS CARMONA (26)	§
FRANCISCO JAVIER HERNANDEZ	§
CELAYA (27)	§
a.k.a. "Paquillo"	§
JOSE HUMBERTO BARRERA (28)	§
a.k.a. "Pepe"	§
LUIS EDMONDO VASQUEZ (29)	§
ERIC ALEXANDER MARTINEZ (30)	§
JAIME ENRIQUE GARZA JUAREZ (31)	§
ELIUD CHAPA MORALES (32)	§
JESSWEN RIVERA (33)	§
JAVIER NEIRA, JR. (34)	§
a.k.a. "Javi"	§
ROQUE RUBEN CELESTINO (35)	§
JOSE LUIS HERNANDEZ (36)	§
a.k.a. "Cuate"	§
JOSE FERNANDO HERNANDEZ	§
PERALES (37)	§
JORGE ELIAS GOLARTE (38)	§
DAVID ROBERT VELA (39)	§
a.k.a. "Primo"	§

SECOND SUPERSEDING INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 21 U.S.C. § 846
 (Conspiracy to Possess with the Intent to
 Distribute and Distribution of
 Methamphetamine, Cocaine, Heroin and

Marijuana)

That from sometime in or about September 2014, and continuously thereafter up to and including the date of this Second Superseding Indictment, in the Eastern District of Texas and elsewhere,

Ismael Enrique Fernandez-Vasquez, a.k.a. “El Primo” “Primo” “Kike” “Kique” “Licenciado” “Lic”

**Yvette Tomasita Montemayor, a.k.a. “La Guera” “La Wera” “La Prima”
Salvador Rodriguez Moreno, a.k.a. “Salvador Moreno Rodriguez” “Chava” “Negro”**

Cynthia Elvira Aranda

Yanira Yvette Gonzalez

Maria De Lourdes Fernandez-Vasquez

Homero Vidaurri Vargas, a.k.a. “Hummer”

Saul Huerta-Hernandez

Jonathan Sotelo

Michelle Vega

Israel David Fernandez Vasquez, a.k.a. “Primo” “Guero”

Rafael Nava

Luis Fernando Espinoza, a.k.a. “Pikachu”

Jorge Luis Cruz

Carlos Lopez, Jr., a.k.a. “Guero” “Laredo” “Gordo”

Joshua Chadwick Garay, a.k.a. “Red” “Fenway”

Hector Alonzo

Jose Plata

Giovanna Tellez, a.k.a. “Giovanna Cruz”

Kevin Alexis Alvarez

Mark Anthony Lopez

Joaquin Joel Montemayor

Sergio Luis Tejeda Nunez, a.k.a. “Checo” “Cheko”

Sergio Leal, a.k.a. “El Bull” “Bull”

Jose Humberto Castro Trejo, a.k.a. “Francisco Castro Trejo” “Paco” “Pacorro”

Jose Porras Carmona

Francisco Javier Hernandez Celaya, a.k.a. “Paquillo”

Jose Humberto Barrera, a.k.a. “Pepe”

Luis Edmondo Vasquez

Eric Alexander Martinez

Jaime Enrique Garza Juarez

Eliud Chapa Morales

Jesswen Rivera
Javier Neira, Jr., a.k.a. "Javi"
Roque Ruben Celestino
Jose Luis Hernandez, a.k.a. "Cuate"
Jose Fernando Hernandez Perales
Jorge Elias Golarte
David Robert Vela, a.k.a. "Primo"

defendants, did knowingly and intentionally combine, conspire, and agree with other persons known and unknown to the United States Grand Jury, to knowingly and intentionally possess with the intent to distribute and distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine or 50 grams or more of methamphetamine (actual), five kilograms or more of a mixture or substance containing a detectable amount of cocaine, 1 kilogram or more of heroin, and 1000 kilograms or more of marijuana, a violation of 21 U.S.C. § 841(a)(1).

In violation of 21 U.S.C. § 846.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Criminal Forfeiture Pursuant to 21 U.S.C. § 853

As a result of committing the offenses charged in this Second Superseding Indictment, the defendants shall forfeit to the United States any property they may have used or intended to be used to commit or facilitate the offenses and/or property derived from proceeds obtained directly or indirectly as a result of the commission of the violation of 21 U.S.C. § 846.

All such proceeds and/or instrumentalities are subject to forfeiture by the

government.

A TRUE BILL

RTA
GRAND JURY FOREPERSON

NICHOLAS J. GANJEI
ACTING UNITED STATES ATTORNEY

[Signature]
Heather Rattan
Assistant United States Attorney

9-1-21
Date

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SEP 01 2021

UNITED STATES OF AMERICA §
§
v. §
§
ISMAEL ENRIQUE FERNANDEZ- §
VASQUEZ (1) §
a.k.a. "El Primo" "Primo" "Kike" "Kique" §
"Licenciado" "Lic" §
YVETTE TOMASITA MONTEMAYOR (2) §
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a.k.a. "Giovanna Cruz" §
KEVIN ALEXIS ALVAREZ (20) §
MARK ANTHONY LOPEZ (21) §

SEALED BY
DEPUTY _____
No. 4:20-CR-179
Judge Jordan

JOAQUIN JOEL MONTEMAYOR (22)	§
SERGIO LUIS TEJEDA NUNEZ (23)	§
a.k.a. "Checo" "Cheko"	§
SERGIO LEAL (24)	§
a.k.a. "El Bull" "Bull"	§
JOSE HUMBERTO CASTRO TREJO (25)	§
a.k.a. "Francisco Castro Trejo" "Paco:	§
"Pacoroo"	§
JOSE PORRAS CARMONA (26)	§
FRANCISCO JAVIER HERNANDEZ	§
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LUIS EDMONDO VASQUEZ (29)	§
ERIC ALEXANDER MARTINEZ (30)	§
JAIME ENRIQUE GARZA JUAREZ (31)	§
ELIUD CHAPA MORALES (32)	§
JESSWEN RIVERA (33)	§
JAVIER NEIRA, JR. (34)	§
a.k.a. "Javi"	§
ROQUE RUBEN CELESTINO (35)	§
JOSE LUIS HERNANDEZ (36)	§
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JOSE FERNANDO HERNANDEZ	§
PERALES (37)	§
JORGE ELIAS GOLARTE (38)	§
DAVID ROBERT VELA (39)	§
a.k.a. "Primo"	§

NOTICE OF PENALTY

Count One

Violation: 21 U.S.C. § 846

Penalty: If 1 kilogram or more of heroin, 500 grams or more of methamphetamine or 50 grams or more of methamphetamine actual, or 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine: not less than 10 years and not more that life imprisonment, a fine not to exceed \$10 million, or both; supervised release of at least 5

years If 100 kilogram or more of marijuana, not less than 5 years nor more than 40 years imprisonment, a fine not to exceed \$5 million, or both; supervised release of at least 3 years.

Special Assessment: \$100.00

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LUIS HERNANDEZ,

Defendant.

Case No. 22-MJ-89-KEW

FILED

MAR 28 2022

By PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

NOTICE OF CONSENT TO PROCEED VIA VIDEO TELECONFERENCE

The Defendant hereby advises the Court he/she is aware of his/her right to appear in person at all hearings before this Honorable Court. The Defendant hereby advises the Court that he/she consents to proceed with this proceeding via video teleconference.

3-28-22
Date

[Signature]
Defendant

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS HERNANDEZ

Defendant.

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)
)
)
)
)
)

Case No.: 22-MJ-89-KEW

Date: 03/28/2022

Time: 1:43 p.m. – 1:46 p.m.

MINUTE SHEET
VIDEO CONFERENCE INITIAL APPEARANCE
(Rule 5)

U.S. Magistrate Judge Kimberly E. West Rachel Keeling, Deputy Clerk FTR Courtroom: 3 - Room 432

Counsel for Plaintiff: Jordan Howanitz for Clay Compton, AUSA (via video)

Counsel for Defendant: Thomas Wright, Appt'd (via video)

☒ Fin. Afdt / oral request for counsel Obj by Gov't : ☐ yes ☒ no ☒ Court appointed counsel
☐ Interpreter: _____; ☐ sworn

☒ Defendant acknowledged receipt of copy of Indictment from Eastern District of Texas(Case No. CR-20-179-SDJ-KPJ)
☒ Court advised defendant of constitutional rights under Rule 5.
☒ Court advised defendant of constitutional rights under Rule 20.

☒ Defendant orally waived Identity Hearing ☒ Waiver executed and accepted by Court
☐ Defendant waived Preliminary Hearing
☐ Defendant requested Preliminary Hearing ☐ Preliminary Hearing set
☒ Defendant requested to proceed to prosecuting district for preliminary hearing

☐ Parties have reviewed Pretrial Services Report regarding detention Obj ☐ yes ☐ no - ☐ by _____

☐ Government requested Detention
☒ Defendant waived detention hearing in this district and requested to be allowed to proceed to prosecuting district for further proceedings
☐ Defendant reserved issue of detention at this time
☐ Defendant agreed issue of bond is moot
☐ Defendant requested Detention Hearing ☐ Detention Hearing set
☒ Defendant remanded to custody of U.S. Marshal for removal to the Eastern District of Texas
☐ Defendant allowed to post bond in the amount of _____(unsecured/secured/surety)
☐ Conditions of Release: _____

Additional Minutes:

☒ The sound recording for this hearing has been reviewed for completeness and correctness. The recording is a true and accurate record of these proceedings: RK

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LUIS HERNANDEZ,

Defendant.

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)
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)
)

Case No. 22-MJ-89-KEW

FILED

MAR 28 2022

By PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

ORDER APPOINTING COUNSEL

On 03/28/2022 the above named having completed an affidavit as to financial ability to employ counsel, and upon review, the Court finds that the affiant is financially unable to obtain counsel. In accordance with the Eastern District of Oklahoma Plan for Implementing the Criminal Justice Act of 1984,

IT IS HEREBY ORDERED that the:

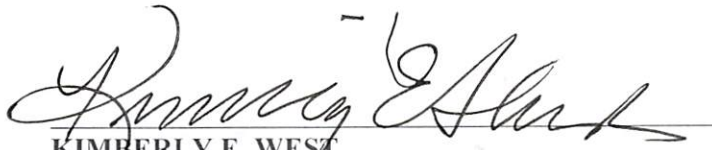
_____ Federal Public Defender is appointed to represent the above-named defendant in all further proceedings unless and until relieved by order of the court.

☒ Federal Public Defender shall forthwith furnish the name(s) of a private attorney or attorneys, as necessary, for appointment to represent the above-named defendant in all further proceedings unless and until relieved by order of the Court.

_____ The Court finds that the defendant has the financial ability to make regular periodic payments to reimburse the government for the reasonable costs of providing representation for the defendant. The Court hereby ORDERS that the defendant pay to the Clerk of the Court, 101 North Fifth Street, Room 210, Muskogee, Oklahoma, \$_____ per month, on or before the 15th day of each month, continuing until the government has been fully reimbursed for all reasonable costs of providing representation to the defendant or until further order of the Court.

_____ Federal Public Defender is temporarily appointed to represent the above-named defendant for purposes of initial appearance only.

Dated this 28th day of March, 2028.


KIMBERLY E. WEST
U.S. MAGISTRATE JUDGE

AO 94 (Rev. 01/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the

EASTERN District of OKLAHOMA

United States of America

v.

JOSE LUIS HERNANDEZ*Defendant*

Case No. 22-MJ-89-KEW

Charging District's

Case No.

CR-20-179

SDJ-KPJ

FILED

MAR 28 2022

By PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Eastern District of Texas.

The defendant may need an interpreter for this language: _____

The defendant: ☐ will retain an attorney.☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 03/28/2022


Judge's signature

KIMBERLY E. WEST, U.S. Magistrate Judge

Printed name and title